



Dkt. 0575/54205-B/JPW/AJM/MM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John O'Connor and Steven Birken
Serial No.: 09/311,428 Examiner: Lisa V. Cook
Filed : May 13, 1999 Group Art Unit: 1641
For : METHODS FOR PREDICTING PREGANCY OUTCOME IN A
SUBJECT BY hCG ASSAY

1185 Avenue of the Americas
New York, NY 10036
April 10, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

NOTICE OF APPEAL FROM THE EXAMINER'S
DECISION TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants hereby Appeal to the Board from the decision of the Examiner mailed October 10, 2001 finally rejecting pending claims 67-76 and 78-80 in connection with the above-identified application.

Applicants are concurrently filing a petition for a three-month extension of time in which to respond to the October 10, 2001 Office Action. With a three-month extension of time, a response to the October 10, 2001 Office Action is due April 10, 2002. Therefore, the subject application is pending today, April 10, 2002, and this Notice of Appeal is being timely filed.

The required fee for filing a Notice of Appeal under 37 C.F.R. §1.17(e) is \$160.00, and a check for this amount is enclosed.

04/22/2002 GTEFFERA 00000154 09311428

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04/24/2002 WILLARI 00000004 033125 09311428
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No fee, other than the \$160.00 fee for filing this Notice of Appeal, is deemed necessary. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

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1600/2900

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Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents,
Washington, D.C. 20231.

Alan J. Morrison
Reg. No. 37,399

Date

4/10/02